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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,002	03/23/2000	David A. Hrusecky	EN9-99-114	1348
30743	7590	06/25/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			SHERALI, ISHRAT I	
		ART UNIT	PAPER NUMBER	
		2621	12	
DATE MAILED: 06/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/535,002	HRUSECKY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sherali Ishrat	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 March 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-16 is/are allowed.
- 6) Claim(s) 17 and 18 is/are rejected.
- 7) Claim(s) 19-23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9, 11.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **Response to Amendment/Argument**

1. This action is in response to applicant's amendment/arguments received on 5/25/04.

Applicant's arguments with respect to art rejection for claim 17-18 are fully considered however they are not persuasive with respect to art rejection. See remarks section for detail.

## **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-18 are rejected under 35 USC § 102 (b) as being anticipated by Keating et al. (US 5,822,009).

Regarding claim 17, Keating discloses truncating at least one least significant bit of clipped digital signal values (See Keating, col. 6, lines 62-65, Keating shows clipping the pixel values [digital signal values] and truncating clipped signal values ).

filtering respective values of digital data using corresponding ones of truncated digital signal values (See Keating, col. 6, lines 66-67, there follows [after clipping and truncation] high-pass filtering) to determine a correction factor in accordance with a filter transfer function (See Keating, col. 6. lines 66-67, thru col. 7, lines 1-7, Keating

shows high pass and band pass filtering to provide an enhancement to avoid so called cross color. The filtering system of Keating is correcting [avoiding] cross-color and therefore the transfer function or the impulse response of the filtering system of Keating is a correction factor itself for correcting [avoiding] the cross-color. Keating is inherently determining correction factor in accordance with a filter transfer function by selecting the filtering system of particular transfer function to correct the cross-color

Regarding claim 18, Keating discloses filtering step is performed with each of two truncated digital signal values (col. 6, lines 66-67, and col. 7, lines 1-2 Keating discloses clipping, truncation and filter and in col. 7, lines 1-2 filtering provide enhancement to detail (high frequency) components [clipped truncated pixel values/digital signal values] i.e Keating shows filtering step is performed with atleast each of two truncated digital signal values).

## **Allowable Subject Matter**

5. Claims 1-16 are indicated allowable over prior art of record.

Claims 19-23 are objected as being dependent on rejected base claim but would be allowable if rewritten in independent form including limitations of the base claim and any intervening claims.

## **Remarks**

6. Keating does not show determining a correction in accordance with a filter transfer function. In contrast the filtering provided by the invention is a correction factor of luminance value to avoid flickering.

Examiner strongly disagree with applicant's attorney that Keating does not show determining a correction in accordance with a filter transfer function. Keating on col. 6. lines 66-67, thru col. 7, lines 1-7, shows high pass and band pass filtering to provide an enhancement to avoid so called cross-color. The filtering system of Keating is correcting [avoiding] cross-color and therefore the transfer function or the impulse response of the filtering system of Keating is a correction factor itself for correcting [avoiding] the cross-color. Keating is inherently determining correction factor in accordance with a filter transfer function by selecting the filtering system of particular transfer function to correct the cross-color . Furthermore filtering provided by the invention is a correction factor of luminance value to avoid flickering is not recited in the claim language. Therefore such limitation is not supported by the claim language

## Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheri Ishrat whose telephone number is 703-308-9589. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4750.

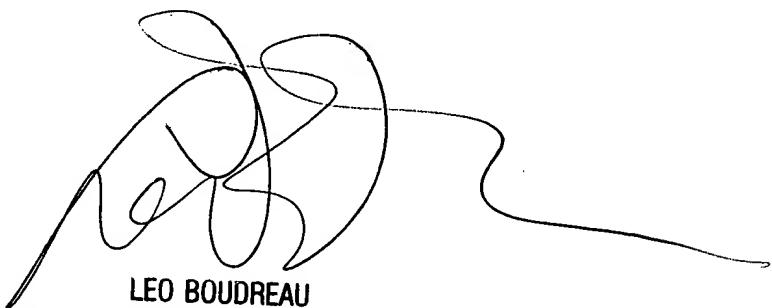


Ishrat Sherali

Patent Examiner

Group Art Unit 2621

June 9, 2004



LEO BOUDREAU  
SUPERVISORY PATENT EXAMINER  
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